

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

FILED
CLERK OF COURT
2004 JUL 26 A 11: 56
U.S. DISTRICT COURT
DISTRICT OF MASS

TREXEL, INC. and
MASSACHUSETTS INSTITUTE OF TECHNOLOGY,

Plaintiffs,

v.

DISPOZ-O PRODUCTS, INC.,

Defendant.

C.A. NO. 04CV10879-JLT

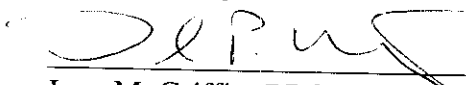
**DISPOZ-O PRODUCTS, INC.'S UNOPPOSED MOTION FOR LEAVE
TO FILE A REPLY MEMORANDUM IN SUPPORT OF ITS
MOTION FOR TRANSFER OF VENUE PURSUANT TO 28 U.S.C. § 1404(a)**

Defendant, Dispoz-o Products, Inc. ("Dispoz-o"), pursuant to L.R. 7.1(B)(3), requests leave to file a Reply Memorandum in Support of its Motion For Transfer of Venue Pursuant to 28 U.S.C. § 1404(a). In support hereof, Dispoz-o relies on its Reply Memorandum in Support of its Motion For Transfer of Venue filed contemporaneously herewith and further states as follows.

Dispoz-o seeks leave to file a brief reply memorandum to address the arguments made and, more importantly, to point out the arguments not made in plaintiffs' opposition. For example, in their opposition, plaintiffs incorrectly argue that the prior lawsuit which gave rise to the settlement agreement at issue in this case was improperly filed in South Carolina. Furthermore, Plaintiffs focus their arguments solely on their anticipated defenses to validity challenges to their patents ignoring well-established case-law providing that the preferred forum in a patent infringement action is the forum where the alleged infringement occurred.

Defendant will not repeat in its reply, arguments set forth in its opening memorandum. Leave to file a reply memorandum will aid the Court in resolution of the issues presented in connection with Dispoz-o's Motion For Transfer of Venue. Counsel for the plaintiffs has been provided with a copy of this Motion and accompanying Memorandum and has indicated that hw will not oppose the Motion's allowance.

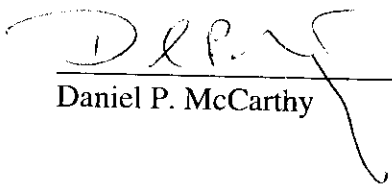
Respectfully submitted,
DISPOZ-O PRODUCTS, INC.
By its attorneys,


Joan M. Griffin, BBO #549522
James A. G. Hamilton, BBO #218760
Daniel P. McCarthy, BBO #651559
PERKINS SMITH & COHEN LLP
One Beacon Street, 30th Floor
Boston, MA 02108
(617) 854-4000

Dated: July 23, 2004

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for the Plaintiffs, Richard A. Johnston, Esq. via First Class Mail, postage prepaid, on this 23rd day of July, 2004.


Daniel P. McCarthy

31298-2-MotionReplyMemTrans.doc